

2001 DRAFTING REQUEST**Senate Amendment (SA-SB55)**

Received: 06/07/2001

Received By: rryan

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau 6-3692

By/Representing: Onsager

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: **Criminal Law - sentencing
Public Defender**Extra Copies: **MGD**

Submit via email: NO

Requester's email:

Pre Topic:

LFB:.....Onsager -

Topic:

Threshold for felony penalties for theft; public defender annual GPR lapse

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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		rryan 06/10/2001		_____			
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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

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Page 1

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FE Sent For:

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Representative Albers
 Senator Moore
 Representative Kaufert
 Senator Plache

PUBLIC DEFENDER

Base Budget Reductions

[LFB Paper #246]

Motion:

Move to make the following provisions concerning the State Public Defender (SPD):

- a. Delete the Governor's recommendation and restore \$3,236,900 GPR annually to the SPD's trial representation appropriation.
- b. ¹ Require the SPD to lapse \$550,000 GPR annually, in total, from its GPR appropriations. ² Require the SPD to report quarterly to the Joint Committee on Finance on recognized savings. ³ Direct the SPD to request additional funding through the s.13.10 process if a shortfall occurs in any appropriation.
- c. Delete \$418,000 GPR annually from the SPD's supplies, services and administrative budgets.
- d. Provide \$243,900 GPR in 2001-02, delete \$1,154,600 GPR in 2002-03 and provide 43.3 GPR positions annually (30.0 attorneys, 7.5 legal secretaries, 4.3 investigators and 1.5 client services specialists).
- e. Reduce the private bar and investigator reimbursement appropriation by \$40,600 GPR in 2001-02 and \$357,500 GPR in 2002-03 and raise the felony thresholds for the following crimes to \$2,500: (a) criminal damage to property; (b) graffiti; (c) theft; (d) fraud on hotel; (e) receiving stolen property; (f) fraudulent insurance; (g) credit card crimes; (h) retail theft; (i) theft of library materials; (j) unlawful receipt, loan payments; and (k) issuing a worthless check.

Note:

This motion is in addition to the Committee's action to adopt Alternative 5b which created a conflicts office.

[Change to Bill: \$4,329,000 GPR and \$1,100,000 GPR-Lapse and 43.3 GPR Positions]

Motion #1637

16-0
 MOORE
 BURKE
 DECKER
 MOORE
 SHIBIKI
 PLACHE
 WIRCH
 DARLING
 WELCH
 GAIRD
 KAUFERT
 ALBERS
 DUFF
 WARD
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 COGGS
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State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb0675/1

RLR:.....

ej5

In 6/8/01 Soon
Fix-OK
LFB:.....Onsager - threshold for felony penalties for theft; public defender
annual GPR lapse

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

D-Note

1 At the locations indicated, amend the bill as follows:

2 1. Page 1690, line 20: after that line insert:

3 /"SECTION 3938u. 943.01 (2) (d) of the statutes is amended to read:

4 943.01 (2) (d) If the total property damaged in violation of sub. (1) is reduced
5 in value by more than \$1,000 \$2,500. For the purposes of this paragraph, property
6 is reduced in value by the amount which it would cost either to repair or replace it,
7 whichever is less.

8 History: 1977 c. 173; 1981 c. 118 s. 9; 1987 a. 399; 1993 s. 262, 486; 1995 a. 133, 208; 1997 a. 143.

8 SECTION 3938v. 943.01 (2g) (c) of the statutes is amended to read:

9 943.01 (2g) (c) The total property damaged in violation of sub. (1) is reduced
10 in value by more than \$500 but not more than ~~\$1,000~~ \$2,500. For purposes of this
11 paragraph, property is reduced in value by the amount that it would cost to repair

1 or replace it, whichever is less, plus other monetary losses associated with the
2 damage.

History: 1977 c. 173; 1981 c. 118 s. 9; 1987 a. 399; 1993 a. 262, 486; 1995 a. 133, 208; 1997 a. 143.

3 **SECTION 3938w.** 943.017 (2) (d) of the statutes is amended to read:

4 943.017 (2) (d) If the total property affected in violation of sub. (1) is reduced
5 in value by more than ~~\$1,000~~ \$2,500. For the purposes of this paragraph, property
6 is reduced in value by the amount which it would cost to repair or replace it or to
7 remove the marking, drawing, writing or etching, whichever is less.”

History: 1995 a. 24; 1997 a. 35, 143.

8 **2.** Page 1691, line 3: after that line insert:

9 “**SECTION 3939b.** 943.20 (3) (a) of the statutes is amended to read:

10 943.20 (3) (a) If the value of the property does not exceed ~~\$1,000~~ \$2,500, is
11 guilty of a Class A misdemeanor.

History: 1977 c. 173, 255, 447; 1983 a. 189; 1987 a. 266; 1991 a. 39; 1993 a. 213, 445, 486.

12 **SECTION 3939c.** 943.20 (3) (b) of the statutes is repealed.

13 **SECTION 3939d.** 943.21 (3) (a) of the statutes is amended to read:

14 943.21 (3) (a) Is guilty of a Class A misdemeanor when the value of any
15 beverage, food, lodging, accommodation, transportation or other service is ~~\$1,000~~
16 \$2,500 or less.

History: 1977 c. 173; 1979 c. 239, 242; 1991 a. 39, 65, 189; 1995 a. 160.

17 **SECTION 3939e.** 943.21 (3) (b) of the statutes is amended to read:

18 943.21 (3) (b) Is guilty of a Class E felony when the value of any beverage, food,
19 lodging, accommodation, transportation or other service exceeds ~~\$1,000~~ \$2,500.

History: 1977 c. 173; 1979 c. 239, 242; 1991 a. 39, 65, 189; 1995 a. 160.

20 **SECTION 3939f.** 943.24 (1) of the statutes is amended to read:

1 943.24 (1) Whoever issues any check or other order for the payment of not more
2 than ~~\$1,000~~ \$2,500 which, at the time of issuance, he or she intends shall not be paid
3 is guilty of a Class A misdemeanor.

History: 1977 c. 173; 1985 a. 179; 1987 a. 398; 1991 a. 39, 40; 1993 a. 71.

4 **SECTION 3939g.** 943.24 (2) of the statutes is amended to read:

5 943.24 (2) Whoever issues any single check or other order for the payment of
6 more than ~~\$1,000~~ \$2,500 or whoever within a 15-day period issues more than one
7 check or other order amounting in the aggregate to more than ~~\$1,000~~ \$2,500 which,
8 at the time of issuance, the person intends shall not be paid is guilty of a Class E
9 felony.

History: 1977 c. 173; 1985 a. 179; 1987 a. 398; 1991 a. 39, 40; 1993 a. 71.

10 **SECTION 3939h.** 943.34 (1) (a) of the statutes is amended to read:

11 943.34 (1) (a) A Class A misdemeanor, if the value of the property does not
12 exceed ~~\$1,000~~ \$2,500.

History: 1977 c. 173; 1987 a. 266, 332; 1991 a. 39.

13 **SECTION 3939i.** 943.34 (1) (b) of the statutes is repealed.

14 **SECTION 3939j.** 943.395 (2) (a) of the statutes is amended to read:

15 943.395 (2) (a) Is guilty of a Class A misdemeanor if the value of the claim or
16 benefit does not exceed ~~\$1,000~~ \$2,500.

History: 1971 c. 214; 1975 c. 373, 421; 1977 c. 173; 1979 c. 89; 1981 c. 96; 1987 a. 349; 1991 a. 39.

17 **SECTION 3939k.** 943.395 (2) (b) of the statutes is amended to read:

18 943.395 (2) (b) Is guilty of a Class E felony if the value of the claim or benefit
19 exceeds ~~\$1,000~~ \$2,500.

History: 1971 c. 214; 1975 c. 373, 421; 1977 c. 173; 1979 c. 89; 1981 c. 96; 1987 a. 349; 1991 a. 39.

20 **SECTION 3939L.** 943.41 (8) (c) of the statutes is amended to read:

21 943.41 (8) (c) Any person violating any provision of sub. (5) or (6) (a), (b) or (d),
22 if the value of the money, goods, services or property illegally obtained does not
23 exceed ~~\$1,000~~ \$2,500 is guilty of a Class A misdemeanor; ~~if the value of the money,~~

1 ~~goods, services or property exceeds \$1,000 but does not exceed \$2,500, in a single~~
2 ~~transaction or in separate transactions within a period not exceeding 6 months, the~~
3 ~~person is guilty of a Class E felony; or if.~~ If the value of the money, goods, services
4 or property exceeds \$2,500, the person is guilty of a Class C felony.

History: 1973 c. 219; 1977 c. 173; 1981 c. 288; 1989 a. 321; 1991 a. 39; 1993 a. 486; 1995 a. 225.

5 **SECTION 3939m.** 943.50 (4) (a) of the statutes is amended to read:

6 943.50 (4) (a) A Class A misdemeanor, if the value of the merchandise does not
7 exceed \$1,000 \$2,500.

History: 1977 c. 173; 1981 c. 270; 1983 a. 169 s. 329 (24); 1985 a. 179; 1987 a. 398; 1991 a. 39, 40; 1993 a. 71; 1997 a. 262.

8 **SECTION 3939n.** 943.50 (4) (b) of the statutes is repealed.

9 **SECTION 3939p.** 943.61 (5) (a) of the statutes is amended to read:

10 943.61 (5) (a) A Class A misdemeanor, if the value of the library materials does
11 not exceed \$1,000 \$2,500.

History: 1979 c. 245; Stats. 1979 s. 943.60; 1979 c. 355 s. 252; Stats. 1979 s. 943.61; 1991 a. 39.

12 **SECTION 3939q.** 943.61 (5) (b) of the statutes is repealed.

13 **SECTION 3939r.** 943.62 (4) (a) of the statutes is amended to read:

14 943.62 (4) (a) A Class A misdemeanor, if the value of the advance payment or
15 required refund, as applicable, does not exceed \$500 \$2,500.

History: 1981 c. 20; 1983 a. 167; 1987 a. 359; 1987 a. 403 s. 256; 1995 a. 27; 1997 a. 145.

16 **SECTION 3939s.** 943.62 (4) (b) of the statutes is repealed.”.

17 **3.** Page 1696, line 11: after that line insert:

18 “**SECTION 3966n.** 946.82 (4) of the statutes is amended to read:

19 946.82 (4) “Racketeering activity” means any activity specified in 18 USC 1961
20 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
21 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
22 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
23 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,

1 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
2 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.011,
3 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) ~~(b) to (c)~~
4 and (d), 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28,
5 943.30, 943.32, 943.34 (1) ~~(b) and (c)~~, 943.38, 943.39, 943.40, 943.41 (8) (b) and (c),
6 943.50 (4) ~~(b) and (c)~~, 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33
7 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12,
8 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76,
9 947.015, 948.05, 948.08, 948.12, and 948.30.”

History: 1981 c. 280; 1983 a. 438; 1985 a. 104; 1985 a. 237 s. 15; 1987 a. 266 s. 5; 1987 a. 332, 348, 349, 403; 1989 a. 121, 303; 1991 a. 32, 39, 189; 1993 a. 50, 92, 94, 112, 280, 441, 491; 1995 a. 133, 249, 336, 448; 1997 a. 35, 79, 101, 140, 143, 252; 1999 a. 9, 150.

10 **4.** Page 1714, line 25: after that line insert:

11 “SECTION 4018f. 973.075 (1) (b) 1m. e. of the statutes is amended to read:

12 973.075 (1) (b) 1m. e. To cause more than \$1,000 \$2,500 worth of criminal
13 damage to cemetery property in violation of s. 943.01 (2) (d) or 943.012.

History: 1981 c. 267; 1985 a. 245, 258; 1987 a. 348; 1989 a. 263; 1993 a. 92, 169, 459, 491; 1995 a. 290, 448; 1997 a. 35, 285; 1999 a. 45, 51, 186.

14 **SECTION 4018h.** 973.075 (2) (d) of the statutes is amended to read:

15 973.075 (2) (d) The officer has probable cause to believe that the property was
16 derived from or realized through a crime or that the property is a vehicle which was
17 used to transport any property or weapon used or to be used or received in the
18 commission of any felony, which was used in the commission of a crime relating to
19 a submerged cultural resource in violation of s. 44.47, or which was used to cause
20 more than \$1,000 \$2,500 worth of criminal damage to cemetery property in violation
21 of s. 943.01 (2) (d) or 943.012.”

History: 1981 c. 267; 1985 a. 245, 258; 1987 a. 348; 1989 a. 263; 1993 a. 92, 169, 459, 491; 1995 a. 290, 448; 1997 a. 35, 285; 1999 a. 45, 51, 186.

22 **5.** Page 1756, line 25: after that line insert:

1 “(2g) QUARTERLY SAVINGS REPORT. At the end of each quarter in fiscal years
2 2001-02 and 2002-03, the public defender board shall submit to the cochairpersons
3 of the joint committee on finance, a report of the amount of savings recognized by the
4 public defender board during the previous three months. The public defender board
5 shall request additional funding from the joint committee on finance in accordance
6 with the method provided under section 13.10 of the statutes, if a shortfall occurs in
7 any appropriation to the public defender board.”.

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8 6. Page 1791, line 6: after that line insert:

9 “(1g) GENERAL PURPOSE REVENUE LAPSE. The secretary of administration shall lapse
10 the appropriation accounts to the public defender board under sections 20.550 (1) (a),
11 (b), (c), (d), (e), and (f) of the statutes, a total of \$550,000 on June 30, 2002, and a total of \$550,000 on
12 June 30, 2003.”.

\$
Change

13 7. Page 1815, line 25: after that line insert:

14 “(11g) PROPERTY CRIME PENALTIES. The treatment of sections 943.01 (2) (d) and (2g)
15 (c), 943.017 (2) (d), 943.20 (3) (a) and (b), 943.21 (3) (a) and (b), 943.24 (1) and (2),
16 943.34 (1) (a) and (b), 943.395 (2) (a) and (b), 943.41 (8) (c), 943.50 (4) (a) and (b),
17 943.61 (5) (a) and (b), 943.62 (4) (a) and (b), 946.82 (4), and 973.075 (1) (b) 1m. e. and
18 (2) (d) of the statutes first applies to offenses charged on the effective date of this
19 subsection.”.

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APP

20 (END)

not

The public defender board shall determine how
the total lapse amount for each year is apportioned
amongst the individual general purpose
revenue appropriation accounts.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0675/1dn

RLR:/.....

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Paul Onsager:

Please note that several of the penalties treated in this amendment are applied by cross-reference to offenses outside the criminal code. Therefore, this amendment also increases the felony threshold to \$2,500 for the following offenses: timber theft (ss. 26.05 (3) (b) and 26.06 (3)), withholding collected sales and use taxes (s. 77.60 (11)), falsification of medical and surgical reports (s. 102.17 (1) (d)), theft of tax funds (s. 139.395), unlawful treatment of cemetery funds (s. 157.64 (3)), and theft by contractors (ss. 779.02 (5), 779.16, and 779.94 (2)).

Section 973.075 (1) (b) 1m. e. and (2) (d) subjects to seizure and forfeiture a vehicle used to cause more than \$1,000 worth of criminal damage to cemetery property in violation of s. 943.01 (2) (d). Section 943.01 (2) (d) assigns a Class D felony penalty to an offense resulting in property damage of \$1,000 or more. The amendment increases the property damage threshold for a Class D felony under s. 943.01 (2) (d) to \$2,500, so the vehicle seizure and forfeiture provisions no longer correlate to the damage amount in s. 943.01 (2) (d). I therefore changed the amount of damage necessary for seizure and forfeiture of a vehicle under s. 973.075 (1) (b) 1m. e. and (2) (d) to \$2,500.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0675/1dn
RLR:cjs:jf

June 8, 2001

Paul Onsager:

Please note that several of the penalties treated in this amendment are applied by cross-reference to offenses outside the criminal code. Therefore, this amendment also increases the felony threshold to \$2,500 for the following offenses: timber theft (ss. 26.05 (3) (b) and 26.06 (3)), withholding collected sales and use taxes (s. 77.60 (11)), falsification of medical and surgical reports (s. 102.17 (1) (d)), theft of tax funds (s. 139.395), unlawful treatment of cemetery funds (s. 157.64 (3)), and theft by contractors (ss. 779.02 (5), 779.16, and 779.94 (2)).

Section 973.075 (1) (b) 1m. e. and (2) (d) subjects to seizure and forfeiture a vehicle used to cause more than \$1,000 worth of criminal damage to cemetery property in violation of s. 943.01 (2) (d). Section 943.01 (2) (d) assigns a Class D felony penalty to an offense resulting in property damage of \$1,000 or more. The amendment increases the property damage threshold for a Class D felony under s. 943.01 (2) (d) to \$2,500, so the vehicle seizure and forfeiture provisions no longer correlate to the damage amount in s. 943.01 (2) (d). I therefore changed the amount of damage necessary for seizure and forfeiture of a vehicle under s. 973.075 (1) (b) 1m. e. and (2) (d) to \$2,500.

Robin Ryan
Legislative Attorney
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State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb0675/1

RLR:cjs:jf

RMR

In 6/10/01

LFB:.....Onsager – Threshold for felony penalties for theft; public defender
annual GPR lapse

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

1 At the locations indicated, amend the bill as follows:

2 1. Page 1690, line 20: after that line insert:

3 “SECTION 3938u. 943.01 (2) (d) of the statutes is amended to read:

4 943.01 (2) (d) If the total property damaged in violation of sub. (1) is reduced
5 in value by more than ~~\$1,000~~ \$2,500. For the purposes of this paragraph, property
6 is reduced in value by the amount which it would cost either to repair or replace it,
7 whichever is less.

8 SECTION 3938v. 943.01 (2g) (c) of the statutes is amended to read:

9 943.01 (2g) (c) The total property damaged in violation of sub. (1) is reduced
10 in value by more than \$500 but not more than ~~\$1,000~~ \$2,500. For purposes of this
11 paragraph, property is reduced in value by the amount that it would cost to repair

1 or replace it, whichever is less, plus other monetary losses associated with the
2 damage.

3 **SECTION 3938w.** 943.017 (2) (d) of the statutes is amended to read:

4 943.017 (2) (d) If the total property affected in violation of sub. (1) is reduced
5 in value by more than ~~\$1,000~~ \$2,500. For the purposes of this paragraph, property
6 is reduced in value by the amount which it would cost to repair or replace it or to
7 remove the marking, drawing, writing or etching, whichever is less.”.

8 **2.** Page 1691, line 3: after that line insert:

9 **“SECTION 3939b.** 943.20 (3) (a) of the statutes is amended to read:

10 943.20 (3) (a) If the value of the property does not exceed ~~\$1,000~~ \$2,500, is
11 guilty of a Class A misdemeanor.

12 **SECTION 3939c.** 943.20 (3) (b) of the statutes is repealed.

13 **SECTION 3939d.** 943.21 (3) (a) of the statutes is amended to read:

14 943.21 (3) (a) Is guilty of a Class A misdemeanor when the value of any
15 beverage, food, lodging, accommodation, transportation or other service is ~~\$1,000~~
16 \$2,500 or less.

17 **SECTION 3939e.** 943.21 (3) (b) of the statutes is amended to read:

18 943.21 (3) (b) Is guilty of a Class E felony when the value of any beverage, food,
19 lodging, accommodation, transportation or other service exceeds ~~\$1,000~~ \$2,500.

20 **SECTION 3939f.** 943.24 (1) of the statutes is amended to read:

21 943.24 (1) Whoever issues any check or other order for the payment of not more
22 than ~~\$1,000~~ \$2,500 which, at the time of issuance, he or she intends shall not be paid
23 is guilty of a Class A misdemeanor.

24 **SECTION 3939g.** 943.24 (2) of the statutes is amended to read:

1 943.24 (2) Whoever issues any single check or other order for the payment of
2 more than \$1,000 \$2,500 or whoever within a 15-day period issues more than one
3 check or other order amounting in the aggregate to more than \$1,000 \$2,500 which,
4 at the time of issuance, the person intends shall not be paid is guilty of a Class E
5 felony.

6 **SECTION 3939h.** 943.34 (1) (a) of the statutes is amended to read:

7 943.34 (1) (a) A Class A misdemeanor, if the value of the property does not
8 exceed \$1,000 \$2,500.

9 **SECTION 3939i.** 943.34 (1) (b) of the statutes is repealed.

10 **SECTION 3939j.** 943.395 (2) (a) of the statutes is amended to read:

11 943.395 (2) (a) Is guilty of a Class A misdemeanor if the value of the claim or
12 benefit does not exceed \$1,000 \$2,500.

13 **SECTION 3939k.** 943.395 (2) (b) of the statutes is amended to read:

14 943.395 (2) (b) Is guilty of a Class E felony if the value of the claim or benefit
15 exceeds \$1,000 \$2,500.

16 **SECTION 3939L.** 943.41 (8) (c) of the statutes is amended to read:

17 943.41 (8) (c) Any person violating any provision of sub. (5) or (6) (a), (b) or (d),
18 if the value of the money, goods, services or property illegally obtained does not
19 exceed \$1,000 \$2,500 is guilty of a Class A misdemeanor; ~~if the value of the money,~~
20 ~~goods, services or property exceeds \$1,000 but does not exceed \$2,500, in a single~~
21 ~~transaction or in separate transactions within a period not exceeding 6 months, the~~
22 ~~person is guilty of a Class E felony; or if. If the value of the money, goods, services~~
23 ~~or property exceeds \$2,500, the person is guilty of a Class C felony.~~

24 **SECTION 3939m.** 943.50 (4) (a) of the statutes is amended to read:

1 943.50 (4) (a) A Class A misdemeanor, if the value of the merchandise does not
2 exceed \$1,000 \$2,500.

3 **SECTION 3939n.** 943.50 (4) (b) of the statutes is repealed.

4 **SECTION 3939p.** 943.61 (5) (a) of the statutes is amended to read:

5 943.61 (5) (a) A Class A misdemeanor, if the value of the library materials does
6 not exceed \$1,000 \$2,500.

7 **SECTION 3939q.** 943.61 (5) (b) of the statutes is repealed.

8 **SECTION 3939r.** 943.62 (4) (a) of the statutes is amended to read:

9 943.62 (4) (a) A Class A misdemeanor, if the value of the advance payment or
10 required refund, as applicable, does not exceed \$500 \$2,500.

11 **SECTION 3939s.** 943.62 (4) (b) of the statutes is repealed.”.

12 **3.** Page 1696, line 11: after that line insert:

13 **“SECTION 3966n.** 946.82 (4) of the statutes is amended to read:

14 946.82 (4) “Racketeering activity” means any activity specified in 18 USC 1961
15 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
16 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
17 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
18 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
19 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
20 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.011,
21 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) ~~(b) to (c)~~
22 and (d), 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28,
23 943.30, 943.32, 943.34 (1) ~~(b) and (c)~~, 943.38, 943.39, 943.40, 943.41 (8) (b) and (c),
24 943.50 (4) ~~(b) and (c)~~, 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33

1 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12,
2 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76,
3 947.015, 948.05, 948.08, 948.12, and 948.30.”

4 **4.** Page 1714, line 25: after that line insert:

5 “**SECTION 4018f.** 973.075 (1) (b) 1m. e. of the statutes is amended to read:

6 973.075 (1) (b) 1m. e. To cause more than ~~\$1,000~~ \$2,500 worth of criminal
7 damage to cemetery property in violation of s. 943.01 (2) (d) or 943.012.

8 **SECTION 4018h.** 973.075 (2) (d) of the statutes is amended to read:

9 973.075 (2) (d) The officer has probable cause to believe that the property was
10 derived from or realized through a crime or that the property is a vehicle which was
11 used to transport any property or weapon used or to be used or received in the
12 commission of any felony, which was used in the commission of a crime relating to
13 a submerged cultural resource in violation of s. 44.47, or which was used to cause
14 more than ~~\$1,000~~ \$2,500 worth of criminal damage to cemetery property in violation
15 of s. 943.01 (2) (d) or 943.012.”.

16 **5.** Page 1756, line 25: after that line insert:

17 “(2q) QUARTERLY SAVINGS REPORT. At the end of each quarter in fiscal years
18 2001–02 and 2002–03, the public defender board shall submit to the cochairpersons
19 of the joint committee on finance a report of the amount of savings recognized by the
20 public defender board during the previous 3 months. The public defender board shall
21 request additional funding from the joint committee on finance in accordance with
22 the method provided under section 13.10 of the statutes, if a shortfall occurs in any
23 appropriation to the public defender board.”.

24 **6.** Page 1791, line 6: after that line insert:

“(1q) GENERAL PURPOSE REVENUE LAPSE. The secretary of administration shall lapse to the general fund, from the appropriation accounts to the public defender board under sections 20.550 (1) (a), (b), (c), (d), (e), and (f) of the statutes, a total of \$550,000 on June 30, 2002, and a total of \$550,000 on June 30, 2003. The public defender board shall determine how the total lapse amount for each year is apportioned amongst the individual general purpose revenue appropriation accounts.”.

7. Page 1815, line 25: after that line insert:

"(11r) PROPERTY CRIME PENALTIES. The treatment of sections 943.01 (2) (d) and (2g) (c), 943.017 (2) (d), 943.20 (3) (a) and (b), 943.21 (3) (a) and (b), 943.24 (1) and (2), 943.34 (1) (a) and (b), 943.395 (2) (a) and (b), 943.41 (8) (c), 943.50 (4) (a) and (b), 943.61 (5) (a) and (b), 943.62 (4) (a) and (b), 946.82 (4), and 973.075 (1) (b) 1m. e. and (2) (d) of the statutes first applies to offenses committed on the effective date of this subsection."

(END)

LFB:.....Onsager – Threshold for felony penalties for theft; public defender
annual GPR lapse

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1690, line 20: after that line insert:

3 **“SECTION 3938u.** 943.01 (2) (d) of the statutes is amended to read:

4 943.01 (2) (d) If the total property damaged in violation of sub. (1) is reduced
5 in value by more than ~~\$1,000~~ \$2,500. For the purposes of this paragraph, property
6 is reduced in value by the amount which it would cost either to repair or replace it,
7 whichever is less.

8 **SECTION 3938v.** 943.01 (2g) (c) of the statutes is amended to read:

9 943.01 (2g) (c) The total property damaged in violation of sub. (1) is reduced
10 in value by more than \$500 but not more than ~~\$1,000~~ \$2,500. For purposes of this
11 paragraph, property is reduced in value by the amount that it would cost to repair

1 or replace it, whichever is less, plus other monetary losses associated with the
2 damage.

3 **SECTION 3938w.** 943.017 (2) (d) of the statutes is amended to read:

4 943.017 (2) (d) If the total property affected in violation of sub. (1) is reduced
5 in value by more than \$1,000 \$2,500. For the purposes of this paragraph, property
6 is reduced in value by the amount which it would cost to repair or replace it or to
7 remove the marking, drawing, writing or etching, whichever is less.”.

8 **2.** Page 1691, line 3: after that line insert:

9 **“SECTION 3939b.** 943.20 (3) (a) of the statutes is amended to read:

10 943.20 (3) (a) If the value of the property does not exceed \$1,000 \$2,500, is
11 guilty of a Class A misdemeanor.

12 **SECTION 3939c.** 943.20 (3) (b) of the statutes is repealed.

13 **SECTION 3939d.** 943.21 (3) (a) of the statutes is amended to read:

14 943.21 (3) (a) Is guilty of a Class A misdemeanor when the value of any
15 beverage, food, lodging, accommodation, transportation or other service is \$1,000
16 \$2,500 or less.

17 **SECTION 3939e.** 943.21 (3) (b) of the statutes is amended to read:

18 943.21 (3) (b) Is guilty of a Class E felony when the value of any beverage, food,
19 lodging, accommodation, transportation or other service exceeds \$1,000 \$2,500.

20 **SECTION 3939f.** 943.24 (1) of the statutes is amended to read:

21 943.24 (1) Whoever issues any check or other order for the payment of not more
22 than \$1,000 \$2,500 which, at the time of issuance, he or she intends shall not be paid
23 is guilty of a Class A misdemeanor.

24 **SECTION 3939g.** 943.24 (2) of the statutes is amended to read:

1 943.24 (2) Whoever issues any single check or other order for the payment of
2 more than \$1,000 \$2,500 or whoever within a 15-day period issues more than one
3 check or other order amounting in the aggregate to more than \$1,000 \$2,500 which,
4 at the time of issuance, the person intends shall not be paid is guilty of a Class E
5 felony.

6 **SECTION 3939h.** 943.34 (1) (a) of the statutes is amended to read:

7 943.34 (1) (a) A Class A misdemeanor, if the value of the property does not
8 exceed \$1,000 \$2,500.

9 **SECTION 3939i.** 943.34 (1) (b) of the statutes is repealed.

10 **SECTION 3939j.** 943.395 (2) (a) of the statutes is amended to read:

11 943.395 (2) (a) Is guilty of a Class A misdemeanor if the value of the claim or
12 benefit does not exceed \$1,000 \$2,500.

13 **SECTION 3939k.** 943.395 (2) (b) of the statutes is amended to read:

14 943.395 (2) (b) Is guilty of a Class E felony if the value of the claim or benefit
15 exceeds \$1,000 \$2,500.

16 **SECTION 3939L.** 943.41 (8) (c) of the statutes is amended to read:

17 943.41 (8) (c) Any person violating any provision of sub. (5) or (6) (a), (b) or (d),
18 if the value of the money, goods, services or property illegally obtained does not
19 exceed \$1,000 \$2,500 is guilty of a Class A misdemeanor; ~~if the value of the money,~~
20 ~~goods, services or property exceeds \$1,000 but does not exceed \$2,500, in a single~~
21 ~~transaction or in separate transactions within a period not exceeding 6 months, the~~
22 ~~person is guilty of a Class E felony; or if.~~ If the value of the money, goods, services
23 or property exceeds \$2,500, the person is guilty of a Class C felony.

24 **SECTION 3939m.** 943.50 (4) (a) of the statutes is amended to read:

1 943.50 (4) (a) A Class A misdemeanor, if the value of the merchandise does not
2 exceed \$1,000 \$2,500.

3 **SECTION 3939n.** 943.50 (4) (b) of the statutes is repealed.

4 **SECTION 3939p.** 943.61 (5) (a) of the statutes is amended to read:

5 943.61 (5) (a) A Class A misdemeanor, if the value of the library materials does
6 not exceed \$1,000 \$2,500.

7 **SECTION 3939q.** 943.61 (5) (b) of the statutes is repealed.

8 **SECTION 3939r.** 943.62 (4) (a) of the statutes is amended to read:

9 943.62 (4) (a) A Class A misdemeanor, if the value of the advance payment or
10 required refund, as applicable, does not exceed \$500 \$2,500.

11 **SECTION 3939s.** 943.62 (4) (b) of the statutes is repealed.”.

12 **3.** Page 1696, line 11: after that line insert:

13 **“SECTION 3966n.** 946.82 (4) of the statutes is amended to read:

14 946.82 (4) “Racketeering activity” means any activity specified in 18 USC 1961
15 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
16 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
17 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
18 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
19 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
20 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2) or (2g), 943.011,
21 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) ~~(b) to (c)~~
22 and (d), 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28,
23 943.30, 943.32, 943.34 (1) ~~(b) and (c)~~, 943.38, 943.39, 943.40, 943.41 (8) (b) and (c),
24 943.50 (4) ~~(b) and (c)~~, 943.60, 943.70, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33

(2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015, 948.05, 948.08, 948.12, and 948.30.”.

4. Page 1714, line 25: after that line insert:

“**SECTION 4018f.** 973.075 (1) (b) 1m. e. of the statutes is amended to read:

973.075 (1) (b) 1m. e. To cause more than \$1,000 \$2,500 worth of criminal damage to cemetery property in violation of s. 943.01 (2) (d) or 943.012.

SECTION 4018h. 973.075 (2) (d) of the statutes is amended to read:

973.075 (2) (d) The officer has probable cause to believe that the property was derived from or realized through a crime or that the property is a vehicle which was used to transport any property or weapon used or to be used or received in the commission of any felony, which was used in the commission of a crime relating to a submerged cultural resource in violation of s. 44.47, or which was used to cause more than \$1,000 \$2,500 worth of criminal damage to cemetery property in violation of s. 943.01 (2) (d) or 943.012.”.

5. Page 1756, line 25: after that line insert:

“(2q) **QUARTERLY SAVINGS REPORT.** At the end of each quarter in fiscal years 2001–02 and 2002–03, the public defender board shall submit to the cochairpersons of the joint committee on finance a report of the amount of savings recognized by the public defender board during the previous 3 months. The public defender board shall request additional funding from the joint committee on finance in accordance with the method provided under section 13.10 of the statutes, if a shortfall occurs in any appropriation to the public defender board.”.

6. Page 1791, line 6: after that line insert:

“(1q) GENERAL PURPOSE REVENUE LAPSE. The secretary of administration shall lapse to the general fund, from the appropriation accounts to the public defender board under sections 20.550 (1) (a), (b), (c), (d), (e), and (f) of the statutes, a total of \$550,000 on June 30, 2002, and a total of \$550,000 on June 30, 2003. The public defender board shall determine how the total lapse amount for each year is apportioned amongst the individual general purpose revenue appropriation accounts.”.

7. Page 1815, line 25: after that line insert:

“(11r) **PROPERTY CRIME PENALTIES.** The treatment of sections 943.01 (2) (d) and (2g) (c), 943.017 (2) (d), 943.20 (3) (a) and (b), 943.21 (3) (a) and (b), 943.24 (1) and (2), 943.34 (1) (a) and (b), 943.395 (2) (a) and (b), 943.41 (8) (c), 943.50 (4) (a) and (b), 943.61 (5) (a) and (b), 943.62 (4) (a) and (b), 946.82 (4), and 973.075 (1) (b) 1m. e. and (2) (d) of the statutes first applies to offenses committed on the effective date of this subsection.”.

(END)